

D.N. DBD-CV15-6016722-S

**THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR and**

**THE ESTATE OF NOAH POZNER,
LEONARD POZNER AS ADMINISTRATOR**

v.

**THE TOWN OF NEWTOWN, NEWTOWN
BOARD OF EDUCATION and SANDY HOOK
ELEMENTARY SCHOOL**

SUPERIOR COURT

J.D. OF DANBURY

AT DANBURY

FEBRUARY 24, 2015

MOTION TO DISMISS

The undersigned Defendant, Sandy Hook Elementary School, pursuant to Connecticut Practice Book § 10-30, et seq., hereby moves to dismiss the Third and Sixth Counts of the Plaintiffs' Complaint for lack of subject matter jurisdiction over the alleged defendant. The reason for this motion is that "Sandy Hook Elementary School" is not a legal entity recognized by the State of Connecticut and does not have the legal capacity to be sued. As such, this court lacks subject matter jurisdiction over the alleged defendant and the counts directed at that defendant must be dismissed.

A memorandum in support is filed concurrently with this motion.

**ORAL ARGUMENT IS REQUESTED
TESTIMONY IS NOT REQUIRED**

THE DEFENDANTS,
THE TOWN OF NEWTOWN; NEWTOWN
BOARD OF EDUCATION AND SANDY
HOOK ELEMENTARY SCHOOL

By: _____/s/_____

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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2015, a copy of the above was mailed to the following counsel and pro se parties of record:

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_____/s/_____
Charles A. Deluca, Esq.